



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JUL - 2 2012

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Clean Earth of North Jersey, Inc.  
115 Jacobus Avenue  
Kearny, New Jersey 07032  
Attn: Robert Fixter, Vice President

RE: Determination of Unacceptability Pursuant to 40 C.F.R. Section 300.440(d),  
Implementing Section 121(d)(3) of Comprehensive Environmental Response,  
Compensation, and Liability Act, 42 U.S.C. Section 9621(d)

Dear Mr. Fixter:

By letter dated May 10, 2012, the United States Environmental Protection Agency ("EPA") issued a Determination of Unacceptability Notice ("Notice"), to Clean Earth of North Jersey, Inc. ("Clean Earth"), pursuant to 40 C.F.R. Section 300.440(d)(6), for its facility located at 115 Jacobson Avenue, Kearny, New Jersey ("Facility"). At the request of Clean Earth, and in accordance with 40 C.F.R. Section 300.440(d)(4), an informal conference was held on June 15, 2012, at EPA's offices in Edison, New Jersey. After the conference, Clean Earth submitted information to EPA regarding the relevant violation(s) cited in the Notice. In addition, by letter date June 29, 2012 your attorney notified EPA that the materials that were the subject of the relevant violation have been shipped from the Facility to another facility in Pennsylvania.

After reviewing the information provided by Clean Earth, EPA has determined that the Facility is now operating in physical compliance with respect to the relevant violation(s) cited in EPA's Notice. Therefore, this letter serves to notify you that, pursuant to 40 C.F.R. Section 300.440(d)(6), EPA has made a determination of acceptability with respect to the Facility.

If you have questions regarding the above, please contact Beckett Grealish, EPA Region 2's Off-Site Contact, at (732) 321-4341 or via email at [Region2\\_OSR@epa.gov](mailto:Region2_OSR@epa.gov). You may also have your legal representative contact Elizabeth Leilani Davis in EPA's Office of Regional Counsel at (212) 637-3249.

Thank you for your timely cooperation with resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter E. Mugdan", with a long horizontal flourish extending to the right.

Walter E. Mugdan, Director  
Emergency and Remedial Response Division

cc: Jeffrey Sterling, NJDEP